

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of John D. Holder
Serial No. 10/036,875
Filed October 23, 2001
Confirmation No. 5192
For PROCESS FOR PRODUCING A SILICON MELT
Examiner Robert M. Kunemund

Art Unit 1765

August 25, 2003

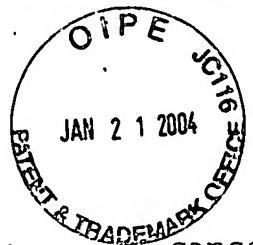
**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION**

TO THE COMMISSIONER FOR PATENTS,

SIR/MADAM:

The owner, MEMC Electronic Materials, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,344,083 and any patent granted on co-pending application, Application Serial No. 09/943,600. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims



MEMC 000051/2651.5
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cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate.

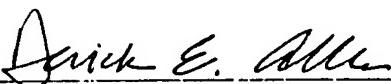
1. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

8-25-03

Date



Signature

Derick E. Allen
Typed or Printed Name

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.
 PTO suggested wording for terminal disclaimer was
 unchanged
 changed (if changed, an explanation should be supplied)

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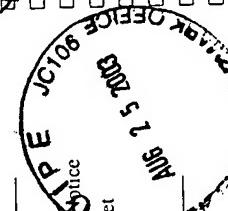
(390)

MISCELLANEOUS

File MEMC 2651.5 Attorney DPA/dsp
Client Name MEMC Electronic Materials, Inc.
Inventor(s) or Mark John D Holder
Serial No. 10/030,875
Patent/Reg. No. 2003

The following has been received by the U.S. Patent and Trademark Office on the date stamped hereon: 12/20/03

- Amendment Preliminary Amendment Response to Missing Party Assignment and Cover Sheet Brief Check \$110.00 Letter to Commissioner RCE Transmittal Maintenance Fee Section Response to Office Action & Terminal Disclaimer Declaration Other Response to Office Action & Terminal Disclaimer Other
- Fee Transmittal Form Combined Declaration/Power of Attorney Notice of Appeal Status Inquiry IDS, PTO/SB/08A, _____ Reference(s)
 Sheet(s) of Formal Drawing(s) Letter to Official Draftsman Issue Fee/PTO-85b/Certificate of Mailing Publication Fee Statement of Use Extension of Time to Oppose



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